



RESOLUTION

ESTABLISHING A POLICY FOR PLANNED DEVELOPMENT PROJECTS IN TRANSIT ORIENTED DEVELOPMENT AREAS; AND PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE "LAND USE ORDINANCE"), RELATING TO PLANNED DEVELOPMENT PROJECTS IN TRANSIT ORIENTED DEVELOPMENT AREAS.

WHEREAS, Sections 21-9.100-5 and 21-2.110-2, Revised Ordinances of Honolulu 1990 ("ROH"), establish a process for permitting interim planned development-transit ("IPD-T") projects; and

WHEREAS, the Council is currently considering Bill 74 (2015), which would establish a process for permitting planned development-transit ("PD-T") projects; and

WHEREAS, planned development projects in transit oriented development ("TOD") areas are intended to provide opportunities for creative, catalytic redevelopment projects within the Honolulu Rail Transit Project corridor; and

WHEREAS, flexibility may be provided to planned development projects in TOD areas for project uses, density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage, if the project proposes to provide public amenities commensurate with the requested flexibility that will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision established in ROH Section 21-9.100-4; and

WHEREAS, under the IPD-T process, the Council must approve a conceptual plan for the project after the developer has completed multiple pre-application procedures and discussions with the Department of Planning and Permitting; and

WHEREAS, the IPD-T process permits property owners to obtain significant increases in permitted height and density and other departures from the zoning use and development standards applicable to their properties without the necessity of a zone change and the PD-T process is likely to be similar; and

WHEREAS, the Council is the policy-making body of the City and County of Honolulu and should participate in IPD-T and PD-T review earlier in the process so as to provide meaningful input to developers before they have expended significant time and funds on a conceptual plan that may not receive final acceptance; and



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WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended ("RCH"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in RCH Section 6-1513, includes both amendments to the Land Use Ordinance ("LUO") and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; and

WHEREAS, based on the foregoing, the Council finds that it is necessary to exercise policy guidance and leadership in addressing the IPD-T and PD-T processes, and to propose an LUO amendment that would make such policy a legal requirement; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the following is hereby established as City policy with respect to requirements for developers of all new developments who apply for planned development permits in transit oriented development areas, including IPD-T permits and, if adopted by the Council, PD-T permits:

Developers must present any proposed projects to the Council in the same or following month as the proposals are presented to neighborhood boards in whose districts the projects are located. The presentation to the Council should include the requested flexibility with respect to Land Use Ordinance development standards and use regulations and the community benefits package that will be offered in exchange for the requested flexibility.

The director, upon acceptance of a completed application, shall make the accepted application publicly available online within five days of its acceptance.

BE IT FURTHER RESOLVED that this policy will be in effect from the adoption of this resolution until the adoption of an ordinance similar to that proposed in the bill attached as Exhibit A; and



CITY COUNCIL
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No. 16-308, CD1

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BE IT FURTHER RESOLVED that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to RCH Section 6-1513, and ROH Chapter 2, Article 24, to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



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BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the Clerk transmit copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and advise them in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Carol Fukunaga

Ann Kobayashi

DATE OF INTRODUCTION:

November 18, 2016
Honolulu, Hawaii

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO PLANNED DEVELOPMENT PROJECTS IN TRANSIT ORIENTED DEVELOPMENT AREAS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose. The Council finds that projects in the transit oriented development areas, including interim planned development-transit projects, should be presented to the Council early in the application process so that any concerns the Council has may be addressed before a project is presented to the Council for final approval of the conceptual plan. The purpose of this ordinance is to include the Council in the pre-application process for planned development projects in the transit oriented development areas to ensure that the Council may provide developers with input early in the development process.

SECTION 2. Section 21-2.110-2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-2.110-2 Planned development-resort, planned development-apartment, and interim planned development-transit projects.

- (a) Applications for approval of planned development-resort (PD-R) and planned development-apartment (PD-A) projects in the Waikiki special district, and interim planned development-transit (IPD-T) projects, shall be processed in accordance with the following subsections.
- (b) Preapplication Procedures. Before the submission of an application, the applicant shall:
 - (1) For IPD-T projects, attend a pre-application meeting with the department to conduct an informal review of the project, unless the department determines that such a meeting is unnecessary. The applicant shall be prepared to discuss how the project can accomplish the goals and objectives of Section 21-9.100-4 and:
 - (A) The approved neighborhood TOD plan for the affected area; or
 - (B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan. As used in this section, "draft neighborhood TOD plan" means the most current version of the plan then under consideration by the



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department or the council, commencing with the first public review draft released by the director to the community for review and comment; and

- (2) Present the proposal to the neighborhood board in whose district the project is to be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, shall be given to all owners of properties adjoining the proposed project.

- (3) For IPD-T projects, present the proposals to the council in the same or following month as the proposals are presented to neighborhood boards in whose districts the projects are located. The presentation to the council must include the requested flexibility with respect to development standards and use regulations of this chapter and the community benefits package that will be offered in exchange for the requested flexibility. This requirement will be deemed satisfied if the presentation is made to a council committee to which the presentation request has been referred.

- (c) Upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, providing the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing concerning the conceptual plan for the project at a date set no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. This hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board in whose district the project is to be located no less than 15 days prior to the public hearing.

For IPD-T projects, the director, upon acceptance of a completed application, shall make the accepted application publicly available online within five days of its acceptance. [a] A complete application must demonstrate how the project achieves consistency with:

- (1) The approved neighborhood TOD plan for the affected area; or
- (2) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan.



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- (d) Except for applications for IPD-T projects, the conceptual plan for the project shall also be presented to the design advisory committee for its appropriate recommendations prior to transmittal of the application to the council for a conceptual plan review and approval.(e) Upon conclusion of the public hearing and (except for IPD-T projects) design advisory committee review, and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.
- (f) The council shall approve the conceptual plan for the project, in whole or in part, with or without conditions or modifications, by resolution, or shall disapprove the conceptual plan. The council may disapprove the conceptual plan by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if it is made in writing, prior to the requested effective date of the extension. An application for council approval of a conceptual plan for a PD-R, PD-A, or IPD-T project may be processed concurrently with development plan amendments under Chapter 24, special management area use permits under Chapter 25, and zoning district changes.
- (g) If the council approves the conceptual plan for the project, the application, as approved in concept by the council, shall continue to be processed for further detailed review and final action by the director.
 - (1) The director shall present the detailed plan for the project to the design advisory committee for its recommendation, except in the case of IPD-T projects.
 - (2) Within 45 days of council approval, the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant.
 - (3) The applicant may request in writing to the director an extension of time as may be necessary for good cause.
- (h) A final approval by the director shall be considered a major special district permit for the project, notwithstanding that the application has been processed in accordance with this section and not Section 21-2.40-2."



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SECTION 3. In Section 2 of this ordinance, ordinance material to be repealed is bracketed and stricken. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 4. This ordinance takes effect upon its approval.



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SECTION 5. This ordinance supersedes the policy established in Resolution

_____.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

RESOLUTION 16-308, CD1

Introduced: 11/18/16 By: CAROL FUKUNAGA

Committee: TRANSPORTATION
AND PLANNING

Title: RESOLUTION ESTABLISHING A POLICY FOR PLANNED DEVELOPMENT PROJECTS IN TRANSIT ORIENTED DEVELOPMENT AREAS; AND PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE "LAND USE ORDINANCE"), RELATING TO PLANNED DEVELOPMENT PROJECTS IN TRANSIT ORIENTED DEVELOPMENT AREAS.

Voting Legend: * = Aye w/Reservations

CC-7(17) MENOR – RESOLUTION RE-REFERRED FROM COMMITTEE ON ZONING AND PLANNING TO COMMITTEE ON ZONING AND HOUSING.

CC-13(17) MENOR – RESOLUTION RE-REFERRED FROM COMMITTEE ON ZONING AND HOUSING TO COMMITTEE ON TRANSPORTATION AND PLANNING.


02/09/17 TRANSPORTATION AND PLANNING CR-70(17) - RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.

02/22/17 COUNCIL CR-70(17) AND RESOLUTION 16-308 WERE RECOMMITTED TO THE COMMITTEE ON TRANSPORTATION AND PLANNING.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

04/06/17 TRANSPORTATION AND PLANNING CR-145(17) – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.

04/26/17 COUNCIL CR-145(17) AND RESOLUTION 16-308, CD1 WERE ADOPTED.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


GLEN I. TAKAHASHI, CITY CLERK


RON MENOR, CHAIR AND PRESIDING OFFICER